

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAYLAN ROCHARD WILLIAMS, SR. §
VS. § CIVIL ACTION NO. 1:23-CV-145
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER

Petitioner Jaylan Rochard Williams, Sr., an inmate confined at the Clements Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the constitutionality of a probation revocation proceeding.

The Petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner filed this Petition in the Beaumont Division of the Eastern District of Texas. This court lacks jurisdiction to consider the Petition because Petitioner was not convicted or confined within the boundaries of the Eastern District of Texas.

Petitioner is confined in Amarillo, Texas, which is located in the Amarillo Division of the Northern District of Texas. He was convicted and sentenced in Fort Bend County, which is in the Houston Division of the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would best be served if this Petition were transferred to the district where Petitioner was convicted and his probation was revoked. Therefore, the Petition should be transferred to the Southern District of Texas. It is accordingly

ORDERED that this Petition for Writ of Habeas Corpus is **TRANSFERRED** to the Houston Division of the Southern District of Texas.

SIGNED this the 29th day of June, 2023.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE